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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/914,744	09/04/2001	Shigeyoshi Yoshida	0694-149	2676

7590 02/04/2003

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EXAMINER

KOSLOW, CAROL M

ART UNIT

PAPER NUMBER

1755

DATE MAILED: 02/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/914,744	YOSHIDA ET AL.	
	Examiner	Art Unit	
	C. Melissa Koslow	1755	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) ____ is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 1-17 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ | 6) <input type="checkbox"/> Other: |

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This application contains claims directed to more than one compositional and structural species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The structural species are as follows:

1. A bulk alloy of M, X and Y
2. A thin film alloy of M, X and Y formed by sputtering
3. A thin film alloy of M, X and Y formed by a vapor deposition process
4. A plate made from an alloy of M, X and Y
5. A bulk ceramic of M, X and Y
6. A thin film ceramic of M, X and Y formed by sputtering
7. A thin film ceramic of M, X and Y formed by a vapor deposition process
8. A plate made from a ceramic of M, X and Y
9. A bulk composite where grains of M is distributed in matrix consisting of X and Y
10. A thin film composite where grains of M is distributed in matrix consisting of X and Y produced by sputtering
11. A thin film composite where grains of M is distributed in matrix consisting of X and Y produced by a vapor deposition process
12. A plate made from a composite where grains of M is distributed in matrix consisting of X and Y
13. A bulk composite where grains of a compound consisting of X and Y is distributed in matrix consisting of M

14. A thin film composite where grains of a compound consisting of X and Y is distributed in matrix consisting of M produced by sputtering
15. A thin film composite where grains of a compound consisting of X and Y is distributed in matrix consisting of M produced by a vapor deposition process
16. A plate made from a composite where grains of a compound consisting of X and Y is distributed in matrix consisting of M
17. A bulk composite where grains of X is distributed in matrix consisting of M and Y
18. A thin film composite where grains of X is distributed in matrix consisting of M and Y produced by sputtering
19. A thin film composite where grains of X is distributed in matrix consisting of M and Y produced by a vapor deposition process
20. A plate made from a composite where grains of X is distributed in matrix consisting of M and Y
21. A bulk composite where grains of a compound consisting of M and Y is distributed in matrix consisting of X
22. A thin film composite where grains of a compound consisting of M and Y is distributed in matrix consisting of X produced by sputtering
23. A thin film composite where grains of a compound consisting of M and Y is distributed in matrix consisting of X produced by a vapor deposition process
24. A plate made from a composite where grains of a compound consisting of M and Y is distributed in matrix consisting of X

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The compositional species are as follows:

A single species of M should be elected

A single species of X should be elected

A single species of Y should be elected

Applicant is required, in reply to this action, to elect a single compositional species and a single structural species to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

The claims are deemed to correspond to the species listed above in the following manner:

Structural species:

- 1: claims 1-8 and 11-13
- 2: claims 1-8 and 11-14
- 3: claims 1-8, 11-13 and 15
- 4: claims 1-8, 11-13, 16 and 17
- 5: claims 1-8 and 11-13
- 6: claims 1-8 and 11-14
- 7: claims 1-8, 11-13 and 15
- 8: claims 1-8, 11-13, 16 and 17
- 9: claims 1-13
- 10: claims 1-14
- 11: claims 1-13 and 15
- 12: claims 1-13, 16 and 17
- 13: claims 1-8 and 11-13

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- 14: claims 1-8 and 11-14
- 15: claims 1-8, 11-13 and 15
- 16: claims 1-8, 11-13, 16 and 17
- 17: claims 1-8 and 11-13
- 18: claims 1-8 and 11-14
- 19: claims 1-8, 11-13 and 15
- 20: claims 1-8, 11-13, 16 and 17
- 21: claims 1-8 and 11-13
- 22: claims 1-8 and 11-14
- 23: claims 1-8, 11-13 and 15
- 24: claims 1-8, 11-13 and 15

Compositional species:

Claims 1-7, 9-11 and 14-16 correspond to the choice of any one species of M, any one species of X and one species of Y

Claim 8 corresponds to the choice of any one species of M, one species of Y and if X is elected to be C, Bi, Si, Al, Mg, Ti, Zn, Hf, Sr, Nb, Ta, rare earth metals and two or more thereof.

Claims 12 and 13 correspond to the choice when M is elected to be Fe, X is elected to be Al and Y is elected to be O.

The following claims are generic: NONE

The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons: they are not regarded as being of a similar nature since there is no common structure is present, i.e., a significant structural element is shared by all of the alternatives and all alternatives do not belong to a recognized class of chemical compounds in the magnetic art.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the

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application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

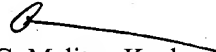
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melissa Koslow whose telephone number is (703) 308-3817. The examiner can normally be reached on Monday-Friday from 8:00 AM to 3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Bell, can be reached at (703) 308-3823.

The fax number for Amendments filed under 37 CFR 1.116 or After Final communications is (703) 872-9311. The fax number for all other official communications is (703) 872-9310.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0661 or (703) 308-0662.

cmk
February 3, 2003


C. Melissa Koslow
Primary Examiner
Tech. Center 1700